

### REMARKS

Claims 1-11 remain pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

The Examiner rejected each of the pending claims under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,470,346 to Morwood (the "Morwood reference") in view of U.S. Patent No. 6,026,424 to Circenis (the "Circenis reference"). *Office Action*, ¶¶ 2-7, pages 2-4. As the Examiner correctly points out, "Morwood does not explicitly disclose that the manager task kills the client task when a current one of the client processes is not completed within a predetermined time period." *Id.* at ¶ 3, page 3. However, the Examiner uses the Circenis reference to cure this defect in the Morwood reference.

The Circenis reference discloses a method for switching long duration tasks from synchronous to asynchronous execution. *Circenis reference*, Abstract. A server process receives a task from a client process and starts the task and a timer. *Id.* at col. 7, lines 42-45. The server process waits to determine if the task completes before the timer expires. *Id.* at col. 7, lines 45-47. If the task completes before the timer expires, the server process closes the thread and reports the results of the task. *Id.* at col. 7, lines 47-49. If the timer expires first, the server process notifies the client process that the task will be completed asynchronously, closes the communication channel and frees the timer. *Id.* at col. 7, lines 49-52.

In contrast, claim 1 of the present invention recites "a manager task running at a higher priority than the client task, the manager task queuing the client processes into the client task in priority order, *wherein the manager task kills the client task when a current one of the client processes is not completed within a predetermined time period.*" The recitation of claim 1

makes it clear that the manager tasks kills the client task when the client process is not completed within the predetermined time period. The specification of the present invention describes that the killing of the client task stops (or kills) the processing of the client process. *Specification*, page 5, lines 23-26.

However, the Circenis reference merely teaches that after the timer expires, the task continues to be executed but in an asynchronous mode rather than a synchronous mode. This operation is repeatedly made clear in the Circenis reference. *See, Circenis reference*, Abstract; Figs 4 and 5; col. 3, lines 35-38; col. 4, lines 45-48; col. 4, line 64 - col. 5, line 1; col. 5, lines 60-63; col. 6, lines 50-56; col. 7, lines 49-52. There is no teaching or suggestions in the Circenis reference that the task be killed, stopped, or any other such operation which indicates the task will stop running. After the timeout period, the task merely switches from synchronous mode to asynchronous mode, *i.e.*, the task continues to execute.

Accordingly, the applicants respectfully submit that the Morwood reference and the Circenis reference, either alone or in combination, do not teach or suggest "a manager task running at a higher priority than the client task, the manager task queuing the client processes into the client task in priority order, *wherein the manager task kills the client task when a current one of the client processes is not completed within a predetermined time period*" as recited in claim 1. Thus, the applicants respectfully request the Examiner to withdraw the rejection of claim 1 and all claims depending therefrom (claims 2-5).

Claims 6 and 11 recite "killing execution of the client task by a manager task executing at a priority higher than that of the client task when the first client process is not completed within a predetermined time period." Accordingly, for the same reasons as described

above with reference to claim 1, it is respectfully submitted that claims 6 and 11 and all claims depending therefrom (claims 7-10) are also allowable.

**CONCLUSION**

In view of the remarks submitted above, the applicants respectfully submit that the present case is in condition for allowance. All issues raised by the Examiner have been addressed, and a favorable action on the merits is thus earnestly requested.

Respectfully submitted,

Dated:

8/2/04

By:



Michael J. Marcin (Reg. No. 48,198)

FAY KAPLUN & MARCIN, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
(212) 619-6000 (phone)  
(212) 619-0276 (facsimile)